

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**THURSDAY, FEBRUARY 12, 2009.**

## JOURNAL OF THE HOUSE.

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Thursday, February 12, 2009.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority of Rule 5, to perform the duties of the Chair.

The prayer was offered by Reverend Robert F. Quinn, Chaplain of the House, as follows:

God, Our Creator and Teacher, we pause for a moment of personal reflection and to focus our thoughts and attention on You and spiritual realities. We express our gratitude to You in prayer for the blessings which we enjoy as citizens of this Commonwealth and nation. As thoughtful citizens, we are grateful for the remarkable history of our country and the enormous accomplishments of our people and our elected leaders. Today, we celebrate the 200<sup>th</sup> anniversary of the birth of Abraham Lincoln, our 16<sup>th</sup> president. He was guided in his leadership role by principles, ideals and goals which were needed at the time. He was a man for all seasons. Today, we pray that his spirit of patriotism, his concern for the freedom and the dignity of each individual will remain part of our culture. Let his words at his second inaugural address remain in our hearts and mind – “with malice towards none, with dignity for all, with fairness in the right, as God gives us to see the right, let us strive on to finish the work we are in and bind up the nation’s wounds.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Prayer.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the temporary committee on Rules:

Resolutions (filed by Speaker DeLeo of Winthrop) commemorating the two hundredth anniversary of the birth of President Abraham Lincoln;

President Abraham  
Lincoln.  
“Penny” Johnson.

Resolutions (filed by Messrs. Binienda of Worcester, Fresolo of Worcester, O’Day of West Boylston, Pedone of Worcester and Spellane of Worcester) congratulating Penelope B. “Penny” Johnson on the occasion of her retirement;

Resolutions (filed by Mr. Fernandes of Milford) congratulating Michael G. Bradley on earning the Eagle Scout Award;

Michael G. Bradley.

Resolutions (filed by Representatives Nangle of Lowell, Murphy of Lowell, Golden of Lowell and Garry of Dracut) honoring the twenty-fifth anniversary of Saints Paramedics Services to Greater Lowell;

Saints Paramedics.

Resolutions (filed by Mr. Rush of Boston) congratulating Brendan P.

Brendan P.

Hanrahan upon achieving the rank of Eagle Scout;

Resolutions (filed by Ms. Story of Amherst) congratulating The Massachusetts Review on the occasion of the fiftieth anniversary of its founding; and

Resolutions (filed by Mr. Turner of Dennis) congratulating Marian F. Savery on the occasion of her ninetieth birthday;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Spellane of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Hanrahan.

Massachusetts  
Review.

Marian F. Savery.

*Recess.*

At a quarter after eleven o'clock A.M., on motion of Ms. Sandlin of Agawam (Mr. Donato of Medford being in the Chair), the House recessed until ten minutes before one o'clock P.M.; and at two minutes before one o'clock, the House was called to order with Mr. Donato the Chair.

Recess.

**INSERT JOINT CONVENTION**

*Recess.*

The Speaker having taken the Chair, --, at twelve minutes after two o'clock, the House recessed subject to the call of the Chair; and at a quarter after three o'clock, the House was called to order with Ms. Reinstein of Revere in the Chair.

Recess.

*Papers from the Senate.*

The House Order relative to the adoption of permanent Joint Rules for 2009-2010 General Court (House, No. 2011) came from the Senate, adopted in concurrence, with the following amendment:

In proposed Rule 1D by striking out at the end thereof the following sentence "if the Chairs of a committee determine that such recording would constitute an interference, the Chairs shall provide written explanation of the interference to the person seeking to record a meeting of a committee within 7 days" (previously inserted by amendment by the House).

Under suspension of the rules, on motion of Mr. Donato of Medford, the amendment was considered forthwith; and it was adopted, in concurrence.

The following order, adopted by the Senate, was considered forthwith, under suspension of the rules, on motion of Mr. Murphy of Burlington, and it was adopted, in concurrence:

*Ordered,* That within 30 days, a joint committee of the House of

Joint Rules  
2009-2010.

Legislative

Representatives and the Senate, to consist of 2 members of the majority party from each branch and 2 members of the minority party, from each branch, shall review and make recommendations to the President of the Senate and the Speaker of the House regarding a consistent and accountable process to ensure open access to legislative hearings, specifically considering the recordings of legislative hearings and the use thereafter of such recording to the maximum feasible extent.

hearings, -access.

*Appointment of Majority Leaders.*

Under the provisions of Rule 18, the Speaker announced that the Majority Party Caucus had ratified the following appointments: Representative Vallee of Franklin, Majority Floor Leader; Representative Mariano of Quincy, Assistant Majority Floor Leader; Representative Haddad of Somerset, Second Assistant Majority Floor Leader; and Petrolati of Ludlow, Speaker *pro-tempore*.

Majority Leaders and Speaker *pro-tempore*.

*House Standing Committees.*

House standing committees were appointed as follows:--

*Rules.* – Representatives Binienda of Worcester, Atkins of Concord, Rushing of Boston, Fox of Boston, Petrolati of Ludlow, Tobin of Quincy, Mariano of Quincy, Toomey of Cambridge, Valle of Franklin, Nangle of Lowell, Bradley of Hingham, Haddad of Somerset, Frost of Auburn, Jones of North Reading and Webster of Pembroke.

House standing committees.

*Ways and Means.*-- Representatives Murphy of Burlington, L'Italien of Andover, Kulik of Worthington, Scaccia of Boston, Fox of Boston, Koczera of New Bedford, Canavan of Brockton, Fagan of Taunton, Quinn of Dartmouth, Garry of Dracut, Creedon of Brockton, Rodrigues of Westport, Balser of Newton, Timilty of Milton, Kane of Holyoke, Donelan of Orange, Lantigua of Lawrence, Rush of Boston, Driscoll of Braintree, Guyer of Dalton, Sciortino of Medford, Sannicandro of Ashland, Welch of West Springfield, Speranzo of Pittsfield, Rice of Gardner, Conroy of Wayland, deMacedo of Plymouth, Hargraves of Groton, Perry of Sandwich, Polito of Shrewsbury, Smola of Palmer and Webster of Pembroke.

*Bills in the Third Reading.* – Representatives Pedone of Worcester, Welch of West Springfield and Peterson of Grafton.

*Bonding, Capital Expenditures and State Assets.* – Representatives Cabral of New Bedford, Bosley of North Adams, Fennell of Lynn, Atsalis of Barnstable, Lantigua of Lawrence, Brownsberger of Belmont, Peake of Provincetown, Hogan of Stow, Rosa of Leominster, Barrows of Mansfield and Poirier of North Attleborough.

*Ethics.* – Representatives Kocot of Northampton, Harkins of Needham, Tobin of Quincy, Vallee of Franklin, Reinstein of Revere, Haddad of Somerset, Sanchez of Boston, Perry of Sandwich, Barrows of Mansfield, Hill of Ipswich and Poirier of North Attleborough.

## **UNCORRECTED PROOF**

*Global Warming and Climate Change.* – Representatives Smizik of Brookline, Brownsberger of Belmont, Patrick of Falmouth, Spiliotis of Peabody, Turner of Dennis, Campbell of Methuen, D’Amico of Seekonk, Garballey of Arlington, \_\_\_\_\_ of \_\_\_\_\_, Hill of Ipswich and Ross of Wrentham.

*Personnel and Administration.* -- Representatives Galvin of Canton, Fagan of Taunton, Kujawski of Webster, Provost of Somerville, Calter of Kingston, Smith of Everett, McMurtry of Dedham, Benson of Lunenburg, Hogan of Stow, Poirier of North Attleborough, deMacedo of Plymouth, Hargraves of Groton and Jones of North Reading.

*Post Audit and Oversight.* -- Representatives Linsky of Natick, Swan of Springfield, Miceli of Wilmington, Timilty of Milton, Stanley of Waltham, Welch of West Springfield, Peake of Provincetown, Richardson of Framingham, Smith of Everett, Hargraves of Groton and Ross of Wrentham.

*Steering, Policy and Scheduling.* -- Representatives Kafka of Stoughton, Tobin of Quincy, Golden of Lowell, Murphy of Lowell, Timilty of Milton, Kane of Holyoke, Sannicandro of Ashland, Richardson of Framingham, Dwyer of Woburn, Hill of Ipswich and Gifford of Wareham.

*Floor Division Committees.* -- First Division Chairperson, Representative Bradley of Hingham; Second Division Chairperson, Representative Reinstein of Revere; Third Division Chairperson, Representative Rushing of Boston; and Fourth Division Chairperson, Representative Story of Amherst.

### *Joint Standing Committees.*

*Children, Families and Persons with Disabilities.* – Senators Candaras, McGee, Flanagan, Jehlen, Kennedy and Tarr; Representatives Khan of Newton, Sannicandro of Ashland, Scaccia of Boston, Murphy of Lowell, Walsh of Boston, Nyman of Hanover, Dwyer of Woburn, Gregoire of Marlborough, Lewis of Winchester, Humason of Westfield and deMacedo of Plymouth.

Joint Standing  
Committees.

*Community Development and Small Business.* – Senators Michael O. Moore, Chang-Diaz, Walsh, Eldridge, O’Leary and Hedlund; Representative Forry of Boston, Walsh of Boston, Miceli of Wilmington, Canavan of Brockton, Golden of Lowell, Callahan of Sutton, Cantwell of Marshfield, Dykema of Holliston, Rosa of Leominster, Polito of Shrewsbury and Barrows of Mansfield.

*Consumer Protection and Professional Licensure.* – Senators Morrissey, Candaras, Baddour, Downing, Petrucelli and Brown; Representatives Spiliotis of Danvers, St. Fleur of Boston, Greene of Billerica, Stanley of Waltham, D’Amico of Seekonk, Puppolo of Springfield, O’Day of West Boylston, Bowles of Attleboro, Gregoire of Marlborough, Humason of Westfield and Evangelidis of Holden.

*Economic Development and Emerging Technologies.* – Senators Spilka

## **UNCORRECTED PROOF**

Petrucelli, Downing, Timilty, Tucker, Morrissey and Tarr; Representatives Dempsey of Haverhill, Scibak of South Hadley, Koczera of New Bedford, Canavan of Brockton, Nyman of Hanover, Pignatelli of Lenox, Guyer of Dalton, Rice of Gardner, DiNatale of Fitchburg, Brady of Brockton, Ferrante of Gloucester, Ross of Wrentham and Frost of Auburn.

*Education.* – Senators O’Leary, Donnelly, Chang-Diaz, Galluccio, Tucker and Brown; Representatives Walz of Boston, McCarthy of East Bridgewater, Harkins of Needham, Rogers of Norwood, Canessa of New Bedford, Alicea of Charlton, Sandlin of Agawam, Clark of Melrose, Benson of Lunenburg, Perry of Sandwich and Ross of Wrentham.

*Elder Affairs.* – Senators Jehlen, Michael O. Moore, Chang-Diaz, Eldridge, Flanagan and Tisei; Representatives Wolf of Cambridge, Lantigua of Lawrence, Miceli of Wilmington, Ayers of Quincy, Callahan of Sutton, Curran of Springfield, Allen of Boston, Fernandes of Milford, Hecht of Watertown, Ross of Wrentham and Poirier of North Attleborough.

*Election Laws,* – Senators Kennedy, Buoniconti, Hart, Menard, Petrucelli and Brown; Representatives Moran of Boston, Golden of Lowell, Kujawski of Webster, Falzone of Saugus, Allen of Boston, Smith of Everett, Ashe of Longmeadow, Bowles of Attleboro, \_\_\_\_\_ of \_\_\_\_\_, Frost of Auburn and Jones of North Reading.

*Environment, Natural Resources and Agriculture.* – Senators, Petrucelli, Eldridge, Flanagan, O’Leary, Michael O. Moore and Tarr; Representatives Straus of Mattapoisett, Guyer of Dalton, Atsalis of Barnstable, Rush of Boston, Wallace of Boston, Garballey of Arlington, Dykema of Holliston, Ferrante of Gloucester, Madden of Nantucket, Gifford of Wareham and Evangelidis of Holden.

*Financial Services.* – Senators Buoniconti, McGee, Tucker, Montigny, Joyce and Knapik; Representatives Koutoujian of Waltham, Murphy of Weymouth, Fallon of Malden, Nyman of Hanover, Driscoll of Braintree, Allen of Boston, McCarthy of East Bridgewater, O’Day of West Boylston, Cantwell of Marshfield, Webster of Pembroke and Gifford of Wareham.

*Health Care Financing.* – Senators Richard T. Moore, Candaras, Pacheco, Fargo, Jehlen, Spilka and Tarr; Representatives Stanley of West Newbury, Grant of Beverly, Koczera of New Bedford, Garry of Dracut, Nangle of Lowell, Patrick of Falmouth, Sciortino of Medford, Alicea of Charlton, D’Amico of Seekonk, Hecht of Watertown, Lewis of Winchester, Hargraves of Groton and Gifford of Wareham.

*Higher Education.* – Senators Galluccio, Downing, Richard T. Moore, Spilka, Rosenberg, and Brown; Representatives Torrisi of North Andover, Flynn of Bridgewater, Callahan of Sutton, Pignatelli of Lenox, Provost of Somerville, Calter of Kingston, DiNatale of Fitchburg, Aguiar of Fall River, Arciero of Westford, Humason of Westfield and Peterson of Grafton.

*Housing.* – Senators Tucker, Joyce, Chang-Diaz, Eldridge, Gulluccio and

## **UNCORRECTED PROOF**

Hedlund; Representatives Honan of Boston, Fox of Boston, Greene of Billerica, Rodrigues of Westport, Fresolo of Worcester, Stanley of Waltham, Curran of Springfield, Hogan of Stow, \_\_\_\_\_ of \_\_\_\_\_, Webster of Pembroke and Peterson of Grafton.

*The Judiciary.* – Senators Creem, Baddour, Candaras, Hart, McGee and Tarr; Representatives O’Flaherty of Chelsea, Speranzo of Pittsfield, Fagan of Taunton, Garry of Dracut, St. Fleur of Boston, Fernandes of Milford, Clark of Melrose, Dwyer of Woburn, Gregoire of Marlborough, Evangelidis of Holden and Webster of Pemboke.

*Labor and Workforce Development.* – Senators McGee, Spilka, Buoniconti, O’Leary, Menard and Hedlund; Representatives Coakley-Rivera of Springfield, Rice of Gardner, Rogers of Norwood, Fresolo of Worcester, Rush of Boston, McMurtry of Dedham, Garballey of Arlington, Arciero of Westford, Ferrante of Gloucester, Smola of Palmer and Polito of Shrewsbury.

*Mental Health and Substance Abuse.* – Senators Flanagan, Walsh, Galluccio, Hart, O’Leary and Tisei; Representatives Malia of Boston, Scaccia of Boston, Fallon of Malden, Sullivan of Fall River, Walsh of Boston, Balser of Newton, Wallace of Boston, Canessa of New Bedford, O’Day of West Boylston, Polito of Shrewsbury and Smola of Palmer.

*Municipalities and Regional Government.* – Senators Eldridge, Jehlen, Fargo, Galluccio, Kennedy and Tisei; Representatives Donato of Medford, Spiliotis of Peabody, Sullivan of Fall River, Curran of Springfield, Puppolo of Springfield, Richardson of Framingham, Clark of Melrose, Ashe of Longmeadow, Madden of Nantucket, Barrows of Mansfield and Hargraves of Groton.

*Public Health,* – Senators Fargo, Montigny, Buoniconti, Chandler, Flanagan and Hedlund; Representatives Sanchez of Boston, Balser of Newton, Toomey of Cambridge, Quinn of Dartmouth, Murphy of Lowell, Turner of Dennis, Aguiar of Fall River, Brady of Brockton, Lewis of Winchester, Evangelidis of Holden and Humason of Westfield.

*Public Safety and Homeland Security.* – Senators Timilty, Brewer, Buoniconti, Candaras, Joyce and Brown; Representatives Costello of Newburyport, Donelan of Orange, Toomey of Cambridge, Ayers of Quincy, Nangle of Lowell, Alicea of Charlton, Campbell of Methuen, Aguiar of Fall River, Ashe of Longmeadow, Perry of Sandwich and Hill of Ipswich.

*Public Service.* – Senators McGee, Kennedy, Candaras, Richard T. Moore, Joyce and Knapik; Representatives Spellane of Worcester, Rodrigues of Westport, Kujawski of Webster, Creedon of Brockton, St. Fleur of Boston, Brownsberger of Belmont, McCarthy of East Bridgewater, Basile of Boston, Brady of Brockton, Smola of Palmer and Hill of Ipswich.

*Revenue.* – Senators Downing, Montigney, Buoniconti, Timilty, Tucker and Knapik; Representatives Kaufman of Lexington, Peisch of Wellesley, Greene of Billerica, Fennell of Lynn, Wallace of Boston, Driscoll of Braintree, Ehrlich of



Marblehead, Arciero of Westford, Cantwell of Marshfield, Evangelidis of Holden and Barrows of Mansfield.

*State Administration Regulatory Oversight.* – Senators Joyce, O’Leary, Fargo, Galluccio, Donnelly and Tisei; Representatives Walsh of Lynn, Gobi of Spencer, Tobin of Quincy, Creedon of Brockton, Fallon of Malden, Spiliotis of Peabody, Turner of Dennis, Conroy of Wayland, Hecht of Watertown, Frost of Auburn and Perry of Sandwich.

*Telecommunications, Utilities and Energy.* – Senators Morrissey, Tucker, Creem, Donnelly, Pacheco and Tarr; Representatives Finegold of Andover, Kane of Holyoke, Rogers of Norwood, Ayers of Quincy, DiNatale of Fitchburg, Puppolo of Springfield, Basile of Boston, Ehrlich of Marblehead, Benson of Lunenburg, deMacedo of Plymouth and Polito of Shrewbury.

*Tourism, Arts and Cultural Development.* – Senators Chang-Diaz, Timilty, Walsh, Kennedy, Richard T. Moore and Tisei; Representatives Keenan of Salem, Peake of Provincetown, Harkins of Needham, Sullivan of Fall River, Atsalis of Barnstable, Falzone of Saugus, Pignatelli of Lenox, Sandlin of Agawam, Madden of Nantucket, Gifford of Wareham and Frost of Auburn.

*Transportation.* – Senators Baddour, Flanagan, McGee, Montigny, Petrucci, Timilty and Hedlund; Representatives Wagner of Chicopee, Sciortino of Medford, Fennell of Lynn, Fresolo of Worcester, Canessa of New Bedford, Provost of Somerville, Fernandes of Milford, Sandlin of Agawam, Basile of Boston, Ehrlich of Marblehead, Bowles of Attleboro, Peterson of Grafton and Humason of Westfield.

*Veterans and Federal Affairs.* – Senators Donnelly, Chandler, Creem, Downing, Brewer and Brown; Representatives Naughton of Clinton, Campbell of Methuen, Flynn of Bridgewater, Falzone of Saugus, Patrick of Falmouth, Calter of Kingston, McMurtry of Dedham, Dykema of Holliston, Rosa of Leominster, Poirier of North Attleborough and Smola of Palmer.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered,* That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o’clock A.M.

Next sitting.

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At twenty minutes after three o’clock P.M., on motion of Mrs. Poirier of North Attleborough (Ms. Reinstein of Revere being in the Chair), the House adjourned, to meet on Tuesday next at eleven o’clock A.M., in an Informal Session.